

**REMARKS**

Reconsideration and allowance of the present application are respectfully requested. By this amendment, Applicant has amended claims 1, 7, 8, 11, 13 and 15-17 and cancelled claim 12. Thus, claims 1-4, 6-11 and 13-17 are still pending in the application. Applicant notes with appreciation the withdrawal of the drawing objection, specification objection and rejection of claim 6 under 35 U.S.C. 112, first paragraph, as noted on page 2 of the Office Action.

Turning to the substantive issues of the Office Action, claims 1-5, 16 and 17 are rejected under 35 U.S.C. § 102(a) as being anticipated by BARKLEY (U.S. Patent No. 6,088,679); claim 6 is rejected under 35 U.S.C. § 103(a) as unpatentable over BARKLEY in view of KIELY (Kiely; "XML: More Than Just a Quick Fix") and claims 7-15 are rejected under 35 U.S.C. § 103(a) as unpatentable over BARKLEY in view of LOWERY (Lowery; "Managing Projects with Microsoft Project 4.0"). In view of the amendments provided above and comments below, Applicant requests reconsideration and withdrawal of the rejections.

As discussed in the previous response, BARKLEY discloses workflow management employing role-based access control (RBAC). As indicated in the Background of the Invention section, BARKLEY notes that a business process involves the transfer of one or more documents, information or tasks between participants according to a set of procedural rules in order to achieve business goals (see column 1, lines 23-26). BARKLEY uses this definition to take preexisting practices within a business and attempts to automate them indicating that "the program 'knows' the proper sequence and approvals involved..." BARKLEY attempts to improve upon this basic automated system by employing the RBAC system to define membership of individuals in groups. Roles are activated within a workflow sequence and access to the task at hand is predicated upon whether an individual is listed in a group that can perform the task. Any individual associated with the role can perform the required task. Furthermore, as indicated by BARKLEY, this enables individual role membership to be reassigned without affecting the process as a whole (Abstract).

The KIELY article describes the ability of (extensible markup language) XML to be employed in multiple aspects of IT. The article specifically notes that XML will hasten enterprise integration efforts that are important in business and business collaboration initiatives.

The excerpts from LOWERY provide an overview of Microsoft Project 4.0. Microsoft Project 4.0 is project management software to assist in defining project goals, planning and scheduling tasks and resources, etc. Generally, the software provides the ability to calculate a schedule, completion date, total work and cost to complete the project, based upon input task sequences and associated resources and calendar information. Additionally, actual start dates and finish dates of tasks can be tracked as well as the progress of a task (percentage completed) and actual costs and work.

In contrast, however, the present invention, as recited in the amended claims, solves an entirely different problem. Specifically, exemplary embodiments of the present invention provide for the successful merger of automated model driven business processes and human activities. As discussed on page 2 of the present specification, business process modeling systems have adopted model driven approaches to customize and describe behavior. Business process modeling is a formal definition of a business process in a high-level graphical modeling language such as uniform modeling language (UML). The present invention describes and provides examples of how human based functions are assimilated into a business process model system.

Various other aspects of the present invention also differ from BARKLEY. For example, amended independent claim 1, is directed to a method for creating a business process model, the method comprising the steps of defining an activity state, the activity state corresponding to a human-based or manual step, identifying one or more performers for the activity state and designating a task, associated with the activity state, as reassignable to indicate that the task may be moved between performers of the activity state. Applicant respectfully submits that BARKLEY does not disclose or suggest this combination of features.

Again, regarding claim 1, BARKLEY does not disclose or suggest designating a task, associated with the activity state, as reassignable to indicate that the task may be moved between performers of the activity state as recited in independent claim 1. As indicated on page 3 of the final Office Action, the Examiner relies on column 4, lines 26-29, of BARKLEY for allegedly disclosing designating an activity state. This section of BARKLEY appears to disclose the ability to simplify changes in the duties and responsibilities of individual *as they change job assignments* by simply reassigning their role memberships. Applicant respectfully submits that this not the same as “designating a task, associated with the activity state, as reassignable to indicate that the task may be moved between performers of the activity state,” as set forth in independent claim 1. This feature gives an individual

performer the ability to re-assign the task to another performer. This has a particular advantage in that ownership of a task is changed and provides for a unique ability of the system to be adaptable to various external events. BARKLEY's ability to change duties of performers, in general, as they change job assignments is not the same as the presently claimed invention. BARKLEY's ability to change a role membership of an individual does not result in the advantages provided by the present invention. Instead of merely changing the role membership of an individual as they change jobs, as provided in BARKLEY, the present invention enables an emphasis to be placed on a task rather than an individual's role membership, thereby enabling more versatility. Accordingly, Applicant respectfully submits that BARKLEY does not teach or suggest all of the features of independent claim 1.

Claims 2-4 and 6 depend from claim 1. Applicant, therefore, submits that these claims are patentable over BARKLEY for at least the reasons given above with respect to claim 1 as well as for reasons of their own.

Additionally, independent claim 16, describing a method for creating a business process model, is directed to a distinction not present in BARKLEY. By the present amendment, claim 16 has been amended to better describe what applicant deems as the invention. Support for these amendments can be found, for example, on page 10, line 15 to page 11, line 16. BARKLEY, on the other hand, is merely directed to the automated tracking of human-based tasks and the corresponding discussion in the Office Action appears to rely on the fact that BARKLEY teaches a business process to be automated. However, BARKLEY does not appear to show how such a system is integrated with automated activities within a business process model, as set forth in claim 16. Moreover, Applicant submits that BARKLEY does not disclose an automated step completed "through the use of an application program to complete the step," as now recited in independent claim 16. Instead, as discussed above, BARKLEY is directed to automated tracking of human-based steps. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Additionally, as previously discussed, independent claim 17 is directed to a method of providing an automated business process model in combination with human-based events "wherein each performer can trigger additional events as a result of task operation, as needed." As discussed above, BARKLEY is merely directed to the automated tracking of only human-based tasks. Moreover, Applicant again submits that BARKLEY does not further disclose that "each performer can trigger additional events as a result of task operation, as needed." The final Office Action cites column 4, lines 9-29 and column 6, lines

34-41 and 60-62 as support. As discussed above, column 4 of BARKLEY appears to disclose the ability to simplify changes in the duties and responsibilities of individuals *as they change job assignments* by simply reassigning their role memberships. Moreover, the sections of column 6 are directed to describe permissions required to access objects associated with each role for a worker and that when all activities in a sequence are finished the next segment in the workflow process is processed. Applicant submits that this does not teach or suggest that “each performer can trigger additional events as a result of task operation, as needed” as recited in independent claim 17. Accordingly reconsideration and withdrawal of the rejection is respectfully requested.

Claim 6 is rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BARKLEY in view of KIELY. Applicant respectfully submits that claim 6 is now allowable for at least the reasons described above with regard to claim 1. Applicant respectfully submits that KIELY, directed to aspects of XML with regard to IT, does not solve the deficiencies of BARKLEY with regard to independent claim 1. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Independent claim 7 is directed to a method for providing a business process management system. Claim 7 has been amended to recite receiving an event; causing a business process object to transition to an activity state corresponding to the event, wherein the activity state includes a data structure that comprises business process object reference data; identifying one or more performers for the activity state; creating a task for each performer, completing the task, wherein any changes made to the business process reference data during completion of the task are collected; and updating the business process object reference data to incorporate any changes that were made during execution of the activity state. In view of the amendments above and comments below, Applicant respectfully requests reconsideration of the rejection.

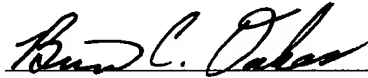
Applicant respectfully submits that BARKLEY fails to disclose or suggest updating the business process object reference data to incorporate any changes that were made during execution of the activity state, as now set forth in independent claim 7. Applicant respectfully submit that neither BARKLEY nor LOWERY disclose or suggest business process object reference data much less updating any changes made to the data during completion of the task. In the final Office Action, the rejection indicates, while addressing the features of claim 12, that the step of retrieving modified reference data is taught by Barkley’s sequential routing where users are assigned unique roles. Applicant respectfully submits that this does not at all relate to business process object reference data, much less

updating any changes made to the data during completion of the task. Applicant respectfully requests that, if this rejection is maintained, specific support and explanation be provided in the next Office Action regarding this feature. Accordingly, Applicant respectfully submits that BARKLEY does not teach or suggest all of the features of independent claim 7.

Claims 8-14 depend from claim 7. Applicant, therefore, submits that these claims are patentable over BARKLEY for at least the reasons given above with respect to claim 1 as well as for reasons of their own.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,



Brian C. Oakes  
Registration No. 41,467

NIXON PEABODY LLP  
Suite 900, 401 9<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-2128  
(202) 585-8000

MSK/BCO